

1 TARA L. BORELLI (*pro hac vice*)  
2 LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC.  
3 730 Peachtree Street, NE, Suite 1070  
Atlanta, Georgia 30308  
3 tborelli@lambdalegal.org  
4 Tel: 404.897.1880 | Fax: 404.897.1884

4 JON W. DAVIDSON (*pro hac vice*)  
5 PETER C. RENN (*pro hac vice*)  
6 LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC.  
7 4221 Wilshire Blvd., Suite 280  
Los Angeles, California 90010  
7 jdavidson@lambdalegal.org, prenn@lambdalegal.org  
8 Tel: 213.382.7600 | Fax: 213.351.6050

8 CARLA CHRISTOFFERSON (*pro hac vice*)  
9 DAWN SESTITO (*pro hac vice*)  
RAHI AZIZI (*pro hac vice*)  
10 O'MELVENY & MYERS LLP  
400 South Hope Street  
11 Los Angeles, California 90071  
cchristofferson@omm.com, dsestito@omm.com  
12 razizi@omm.com  
13 Tel: 213.430.6000 | Fax: 213.430.6407

13 KELLY H. DOVE (Nevada Bar No. 10569)  
14 MAREK P. BUTE (Nevada Bar No. 09989)  
15 SNELL & WILMER LLP  
3883 Howard Hughes Parkway, Suite 1100  
Las Vegas, Nevada 89169  
16 kdove@swlaw.com, mbute@swlaw.com  
17 Tel: 702.784.5200 | Fax: 702.784.5252

18 *Attorneys for Plaintiffs*

19 **UNITED STATES DISTRICT COURT**

20 **DISTRICT OF NEVADA**

21 BEVERLY SEVCIK, et al.,

22 No. 2:12-CV-00578-RCJ-PAL

Plaintiffs,

23 v.  
24 **PLAINTIFFS' UNOPPOSED MOTION**  
BRIAN SANDOVAL, et al.,  
**TO EXTEND TIME TO FILE A**  
25 **MOTION FOR ATTORNEY'S FEES**  
and  
26 **AND BILL OF COSTS**

Defendants,

(First Request)

27 COALITION FOR THE PROTECTION  
OF MARRIAGE,

28 Defendant-Intervenor.

1                   **PLAINTIFFS' UNOPPOSED MOTION TO EXTEND TIME TO FILE A MOTION FOR**  
 2                   **ATTORNEY'S FEES AND BILL OF COSTS AND SUPPORTING MEMORANDUM**

3                   Plaintiffs respectfully move for an extension of time in which to file a motion for  
 4 attorney's fees and bill of costs. On October 9, 2014, following remand from the Ninth Circuit,  
 5 this Court issued an order granting permanent injunctive relief. [Dist. Ct. Doc. #127] To the  
 6 extent this order constitutes a final judgment or other order disposing of the action, a motion for  
 7 attorney's fees and bill of costs is currently due on October 27, 2014, pursuant to LR 54-1, LR  
 8 54-16, and Federal Rule of Civil Procedure 6(d). Plaintiffs seek an extension of time in which to  
 9 file a motion for attorney's fees and bill of costs until 30 days after (a) any further appellate  
 10 review, including en banc proceedings before the Ninth Circuit or proceedings before the U.S.  
 11 Supreme Court, becomes final, or (b) the time for seeking such review expires, whichever is later.  
 12 The other parties to this action have agreed to, or not opposed, this request.

13                   The requested extension serves the interests of both judicial and party economy. First, the  
 14 additional time would allow the parties to pursue a potential out-of-court settlement of attorney's  
 15 fees and costs, thereby possibly obviating the need for this Court to adjudicate those issues.  
 16 Second, the Defendant-Intervenor has filed a petition for rehearing en banc with the Ninth  
 17 Circuit, and has publicly announced its intention to file a petition for writ of certiorari with the  
 18 U.S. Supreme Court if necessary. [Ninth Cir. Doc. #274]; Sean Whaley, *Group Petitions for*  
 19 *Rehearing of Same-Sex Marriage Case*. Las Vegas Rev.-J. (Oct. 13, 2014), available at  
 20 [http://www.reviewjournal.com/politics/government/group-petitions-rehearing-same-sex-](http://www.reviewjournal.com/politics/government/group-petitions-rehearing-same-sex-marriage-case)  
 21 marriage-case. Deferring adjudication of attorney's fees and cost until all litigation is complete  
 22 would allow this Court to rule on those issues once the prevailing parties have been finally  
 23 determined. Other courts have similarly extended the deadline for seeking attorney's fees until  
 24 the completion of all appeals. *See, e.g., Planned Parenthood of Cent. N.J. v. Attorney Gen. of*  
 25 *N.J.*, 297 F.3d 253, 258 (3d Cir. 2002) ("the District Court entered an order extending the time to  
 26 file for attorneys' fees until 30 days after the conclusion of all appeals in the case.").

27                   For the foregoing reasons, Plaintiffs respectfully request that this Court extend the time in  
 28

1 which to file a motion for attorney's fees and bill of costs.<sup>1</sup>

2 DATED: October 16, 2014

3 Respectfully submitted,

4 LAMBDA LEGAL DEFENSE AND  
5 EDUCATION FUND, INC.

6 /s/ Peter C. Renn

7 JON W. DAVIDSON (*pro hac vice*)  
PETER C. RENN (*pro hac vice*)  
LAMBDA LEGAL DEFENSE AND  
8 EDUCATION FUND, INC.  
4221 Wilshire Boulevard, Suite 280  
9 Los Angeles, California 90010

10 TARA L. BORELLI (*pro hac vice*)  
11 LAMBDA LEGAL DEFENSE AND  
EDUCATION FUND, INC.  
12 730 Peachtree Street, NE, Suite 1070  
13 Atlanta, Georgia 30308

14 *Attorneys for Plaintiffs*

CARLA CHRISTOFFERSON (*pro hac vice*)  
DAWN SESTITO (*pro hac vice*)  
RAHI AZIZI (*pro hac vice*)  
O'MELVENY & MYERS LLP  
400 South Hope Street  
Los Angeles, California 90071

KELLY H. DOVE (Nevada Bar No. 10569)  
MAREK P. BUTE (Nevada Bar No. 09989)  
SNELL & WILMER LLP  
Howard Hughes Parkway, Suite 1100  
Las Vegas, Nevada 89169

17 **ORDER**

18 Upon consideration of Plaintiffs' motion to extend the time to file a motion for attorney's  
19 fees and bill of costs, and good cause appearing, the Court hereby GRANTS the motion.  
20 Plaintiffs' motion for attorney's fees and bill of costs is due 30 days after (a) any further appellate  
21 review, including en banc proceedings before the Ninth Circuit or proceedings before the U.S.  
22 Supreme Court, becomes final, or (b) the time for seeking such review expires, whichever is later.

23 IT IS SO ORDERED.

24 \_\_\_\_\_  
25 United States District Court Judge

26 DATED: \_\_\_\_\_, 2014

27 <sup>1</sup> If this Court is not inclined to grant this request, Plaintiffs request in the alternative that the  
28 deadline for seeking attorney's fees and costs be extended until 45 days after the disposition of  
this motion.

## **CERTIFICATE OF SERVICE**

2 I hereby certify that I will electronically file the foregoing document with the Clerk of  
3 the Court for the United States District Court, District of Nevada by using the CM/ECF system  
4 on October 16, 2014. All participants in the case are registered CM/ECF users, and will be  
5 served by the CM/ECF system.

By: /s/ Peter C. Renn  
Peter C. Renn  
4221 Wilshire Boulevard, Suite 280  
Los Angeles, California 90010